THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19498 of 2006

DATED:29-06-2007

BETWEEN:

D.Surya Rao.

..... PETITIONER

AND

The Additional Agent to the Government,
Rampachodavaram,
East Godavari District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in dispossessing the petitioner from the land to an extent of Ac.2.41 cents in Sy.No.9/1A of Veerabhadrapuram village, Addateegala Mandal, East Godavari District in pursuance of the order passed by the 2nd respondent in LTRO.No.83 of 2000, dated 08-03-2002, as illegal, arbitrary, and unjust.

3. It is stated that the petitioner filed an appeal before the 1st respondent-Additional Agent to Government, Rampachodavaram describing him as a Project Officer, ITDA, Chodavaram, and the same has been rejected vide endorsement, dated 20-05-3003, to the following effect:

> *"C.M.A.filed by Dasamsetti Surya Rao, S/o late Veerraju r/o Veerabhadrapuram village against the LTRP orders in*
> *LTRP No.83 of 2000 is rejected for want of the following :*
> *The C.M.C. is to be filed in the Court of Additional Agent to Government, Rampachodavaram."*

and the said endorsement was signed by the Additional Agent to Government, Rampachodavaram. It is not in dispute that the

Project Officer, Integrated Tribal Development Authority and the Additional Agent to the Government are one and the same, but it appears there is a wrong description in the appeal petition. It is further submitted that the petitioner again described the appellate authority as Additional Agent to the Government and filed an appeal on 08-09-2006 but the 1st respondent is not taking up the same. Aggrieved by the said action this Writ Petition has been filed.

4. This Court, while issuing notice before admission on 20-09-2006, granted *status quo* as regards the nature and possession of the land in question. No counter has been filed.

I am of the opinion that rejection of the said appeal on technical grounds is illegal, unsustainable, and without any justification whatsoever.

5. Having regard to the facts and circumstances, 2nd respondent is directed to consider and dispose of the appeal filed by the 1st respondent dated, 08-09-2006, in accordance with law after giving reasonable opportunity to all the concerned and pending disposal of the appeal *status quo* obtaining as on today shall be maintained.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

29th June, 2007.

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